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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional) NEC 3008

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	Application Number 10/677,779	Filed 10/1/2003
on _____ Signature_____	First Named Inventor KLOCK et al.	
Typed or printed name _____	Art Unit 2166	Examiner Harper, Leon J.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
   Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
   See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
   (Form PTO/SB/96)

■ attorney or agent of record.
   Registration number _____ 37,955_____

☐ attorney or agent acting under 37 CFR 1.34.

   Registration number if acting under 37 CFR 1.34 _____

Signature: Bao Tran

_____
Signature

Bao Tran
Typed or printed name

408-528-7490
Telephone number

1/24/07
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐   *Total of _____ forms are submitted.

In re application of:	Examiner: HARPER, JONATHAN
KLOCK et al.	Art Unit: 2166
Application No.: 10/677,779	
Filed: 10/01/2003	

For: SYSTEMS AND METHODS FOR
      PERFORMING A SEARCH
      BASED ON A STRATEGY
	PRE-APPEAL BRIEF

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

Sir:

Applicants submit the following Pre-Appeal Brief and request reconsideration of the Final Office Action

The Section 103 Rejection

Claims 1-25, 28-36 were rejected under 35 U.S.C. 103(a) as unpatentable over Work in view of Huff.

Applicants respectfully traverse the rejections. Here, the difference can be summarized as follows: 1) neither Work nor Huff shows augmenting the production rules; and 2) Work and Huff are static in contrast to the invention's dynamically determining at run-time the selection or order of said resources according to the production rule.

Work shows a system with conventional rules. This is similar to the prior art described in the application.

In contrast, the system of Fig. 1D described in the instant specification is an example of a strategic-based system by adding an extra input "search strategy," which can modify the default selection policy during run-time. In Fig. 1D, information is searched in accordance with a specified strategy for a search system having a plurality of resources and production rules for using, ordering and/or manipulating those resources. Based on the strategy provided to the search system, the search system augments its

production rules and <u>dynamically determines at run-time the selection or order of said</u> <u>resources</u> according to said production rules along with the augmented production rules. The strategy might modify a small part, such as switching resources such as search modules so that if a particular condition is false, the system dynamically makes the decision to run another module ahead of the specified module, for example. Although the sequence of executed resources shown in Fig. 1D happens to be identical to the default sequence, one module can be executed ahead of another module based on the condition, for example. The search strategy, among other things might introduce new conditions not previously specified by the default rules.

Work simply fails to show a search system that augments its production rules and dynamically determines at run-time the selection or order of said resources according to said production rules along with the augmented production rules. Hence Work cannot render claim 1 obvious.

The Office Action relied on Huffman as showing the dynamically determining at run-the the selection or order of the resources according to the production rules. Applicants respectfully traverse the comparison with Huffman as Huffman's decision is also hard-coded. Although this system may appear to have a behavior similar to a strategy, Huffman fails to show the claimed strategy since the rules are defined in advance in contrast to the instant invention's ability to modify the default selection policy during run-time.

The Final Office Action noted that "Huff teaches that during run-time one or more time one or more triggers may constrain the user's search using Boolean combinations alone or in combination with textual considerations as well (See Huff column 20 lines 39-44)." Applicants disagree, as Huffman's Col. 20, lines 23-56, states :

Integration of structured data into content provider system 100 (e.g., to be associated with a user 105, a document or other knowledge container 201, or an instance of dialog during a user-provider session) may be accomplished in a number of different ways. In one example, structured data is uploaded into content provider system 100 in bulk before any user-provider session is initiated. In an alternative example, structured data is obtained dynamically upon initiation of a user-provider interaction session, or at a particular point therein, and then auto-mapped into one or more portions of ordered taxonomies.

The Huffman structured data is generated before the search or at a user session. However, the structured data of Huffman cannot correspond to the claimed augmenting the system's production rules based on a search strategy and dynamically determining at run-time the selection or order of said resources according to the production rules along with the augmented production rules. While Huffman shows obtaining structured data

dynamically, such dynamically obtained structured data does not correspond to the determining at run time the selection or order of the resources (such as search engines, for example) according to the production rules along with the augmented production rules. Hence, Huffman fails to show dynamically determining at run time the selection or order of search resources.

The Final Office Action also pointed to Col. 1, lines 55-60. However, that section describes that the same word can have different meanings and therefore search engines have difficulties distinguishing the content. The section noted that manual intervention can be very frustrating. However, Huffman does not show the dynamic selection during run time.

The present invention recites structures such as the system's production rules that are not present in Work or Huffman. Further, the Work or Huffman systems do not automatically augment the system's production rules based on a search strategy as discussed above.

Additionally, neither Work nor Huffman dynamically determines at run-time the selection or order of said resources according to the production rules along with the augmented production rules.

In sum, neither Work nor Huffman, singly or in combination, can render claims 1 and 25, as well as those dependent therefrom claim 1 obvious. Further, Work and Huffman fail to show the specific recited element(s) recited in the dependent claims 1 and 25 as shown below.

Turning now to dependent claim 2, paragraph 0022 completely fails to show placing additional constraints on the production rules at run-time. Specific discussion of this aspect should be provided or the rejection should be withdrawn. As for claim 3, Applicants fail to find in paragraph 0024 the discussion on "engines can be turned off or not search." Additionally, this does not equate to nullifying one or more of the production rules at run-time. As for claim 4, paragraph 0022 mentions that "[t]he configuration attributes can include pre-configured data as well as user configured data." However, the pre-configured and user configured data are formed before run time and thus Work is completely different from the claimed specifying the search strategy during run-time.

As for claim 5-9, Huffman fails to disclose the claimed search strategy as discussed above in response to the rejection of claim1.

As for claim 10 Work fails to disclose the search strategy as applied to one of query processing resource, result processing resource and data resource.

As for claim 11 paragraph 0022 and paragraph 0028 of Work fails to disclose the search strategy and further fails to disclose dynamic determining is controlled in accordance with the search strategy and a system state.

As for claim 12, nowhere in Work does it disclose the system state comprises a query. Paragraph 0028 is simply irrelevant to the elements recited in claim 12.

As for claim 13, Work simply fails to show the system state with one or more messages passed among the resources. Work paragraphs 0029 simply mentions that "the research engine can generate and send queries based upon the initial inquiry" and paragraph 0030 states "[f]or example, from each of the target search engines, the research engine can receive a listing of references in response to the queries provided".

As for claim 14-17, Work's paragraphs 0029 shows that the research engine can generate and send queries based upon the initial inquiry. However, Work fails to show the search strategy and further fails to teach the claimed "modifying a query message received from one of the resources during one of said search passes for use in a subsequent pass".

As to claim 15, paragraph 26 of Work teaches that the research engine can determine whether a relevant research model exists. However, Work fails to show the modifying the query message and the adding, deleting or changing of one or more keys in the query message.

As for claim 16, Work mentions recursive searching in paragraph 0029. However, Work fails to show the modifying the query message and further fails to disclose the modifying a data request received from one of the resources during one of said search passes for use in a subsequent pass.

As for claim 17, paragraph 26 of Work teaches that the research engine can determine whether a relevant research model exists. However, Work fails to show the modifying the query message and the assigning deleting or changing of one or more keys in the query message.

As for claim 18-19, Work's paragraphs 0038 and 0039 relates to summarizing information discovered as a result of the inquiry from a research model and to identify patterns within the research model. However, Work fails to show claim 18's adding a data request directed at one of the resources over a route and altering the route during one of said search passes for use in a subsequent pass. Further, Work fails to disclose claim 19's directing a query message at one of the resources over a route and altering the route during one of said search passes for use in a subsequent pass.

As for claim 20, Work paragraph 35 teaches that key relationships can be determined and within the research rules data store, the research rules can specify various

word relationships for which the research engine can search in the extracted text. However, Work does not disclose the claimed specifics of locally routing a message received from one of the resources during one of said search passes for use in a subsequent pass.

As for claim 22, Work's paragraph 0039 mentions that the research engine can apply the research rules to the research model and formulate additional sub-queries to provide the target search engines and that the sub-queries can specify new combinations of search terms such as domain types, domain subtypes, and attributes as determined from the research rules and the relational graph. However, Work fails to disclose the claimed answering or generating one or more control messages received from one of the resources during one of said passes for use in a subsequent pass.

As for claim 23, Work's paragraph 40 discloses that the execution of exemplary pattern rules can generate sub-queries and the results of the sub-queries can be incorporated into the existing research model. However, this does not show the claimed updating a next pass condition received from one of the resources during one of said search passes for use in a subsequent pass.

As for claim 24, paragraph 0037 shows that the word and/or text associations identified within relevant text passages can be recursively identified within newly determined search results and recursively submitted to the various search engines to progressively acquire additional information. However, Work does not show optimizing a search result given the strategy and the production rules. In fact, the word "optimizing" is not used anywhere in Work.

As to claims 25 and 28, Applicants traverse the rejection based on the same traversal of the rejection of claim 1.

As to claims 29-35, Applicants traverse the rejection based on the same traversal of the rejection of claims 1-4, 7, 8 and 11.

Applicants respectfully submit that all claims are in condition for allowance. Withdrawal of the rejection is respectfully requested.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned.

Respectfully submitted

Bao Tran
Reg. 37,955